

# EXHIBIT A

**Earl F Hale jr**  
*mediator arbitrator*

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February 2, 2006

**Facsimile:**

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To:	Kathy D. Patrick/Brian T. Ross/ Scott Anthony Humphries Jeremy Doyle	Facsimile: 713-750-0903
To:	Jerry L. Beane Kay Lynn Brumbaugh	Facsimile: 214-659-4778
To:	Thomas A. Connop Bradley W. Foster	Facsimile: 214-740-8800
To:	R. Trent Gaither	Facsimile: 713-865-5611
To:	Michael E. Jones	Facsimile: 903-593-0846
To:	Sim Israeloff	Facsimile: 214-672-2331
To:	Bruce Keith Jensen	Facsimile: None

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To:	Steven Z. Kaplan	Facsimile: 612-492-7077
To:	Stephen M. Miller	Facsimile: 302-571-1750
To:	Daniel G. Hildebrand	Facsimile: 312-706-8640
To:	Mark H. Ralston	Facsimile: 214-978-4376
To:	Jeffrey M. Schlerf	Facsimile: 302-658-6395
To:	Therese D. Pritchard	Facsimile: 202-508-6200

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Re: The Post Confirmation Trust v Digital Exchange Systems, Inc.; Case No. 5:05-cv-00165-TJW (Texarkana Division) (Fleming)

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From: Earl F. Hale, Jr. Mailed: no

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**Message:** Re: Mediation on March 2, 2006. Please see the attached.

Dear Counsel:

The memo is to confirm our full-day mediation on **March 2, 2006, commencing at 9:00 a.m.**, in my offices. I look forward to working with you on this matter.

**Who got this notice.** I have sent this fax to those persons who may be likely to be in attendance, based on some suggestions by some of the counsel and my own guesswork.<sup>1</sup> If I have it wrong, that is, I note you to be an attendee when you will not be one, please let me know right away. Certainly feel free to email me, if you like.

**How I hope to get prepared.** It is my belief that we have to do some proper planning to make the mediation day productive. Accordingly, though our mediation session will be only one day in attendance in Dallas, I would like to schedule a conversation with each of the defense counsel in advance of the mediation date (I will also be visiting with plaintiff's counsel). It is my intention that we not waste any more of our mediation day than is necessary on the "getting up to speed". Thus, I welcome promptly any position paper, "speaking" pleadings, case law, etc. you would like to send me. Then, I would like to visit with you personally about your perspective of the case. Please call me to schedule such a visit; certainly, if you are in Dallas and want to come by my office for a chat about the case, that will be fine with me also. With this procedure I will already have spent about a day with the parties cumulatively before the mediation date; thus, we'll be able to "hit the ground running" on mediation day.

**How I am charging for my services.** Finally, the "per party fee" will be \$1,250, due on or before the mediation date; this represents a fee for approximately two days of work, one day collectively for meeting with parties and one day for mediation. The way I have allocated the fees is to charge a \$1,250 fee per defense attorney for the employees/former employee defendants. In other words, a fee would be due from the plaintiff and from Jerry Beane, Tom Connop, Trent Gaither, Michael Jones, Slim Israeloff, and Bruce Keith Jensen. Please make the check payable to Earl F. Hale, Jr. My tax identification number is 450-74-5060.

Here is some additional useful information:

**Location:** 4144 North Central Expressway (Amberton Tower) is located on the east side of Central near the intersection of North Central and Fitzhugh. From downtown Dallas or the south, take the Haskell-Blackburn-Lemmon Exit (Exit 1B) from North Central and stay on the frontage road northward until you come to the building (just before Fitzhugh). From the north, take the Haskell-Blackburn-Lemmon Exit (Exit 1B) from North Central and make the U-turn at Haskell/Blackburn, staying on the frontage road northward until you come to 4144 North Central, just before Fitzhugh.

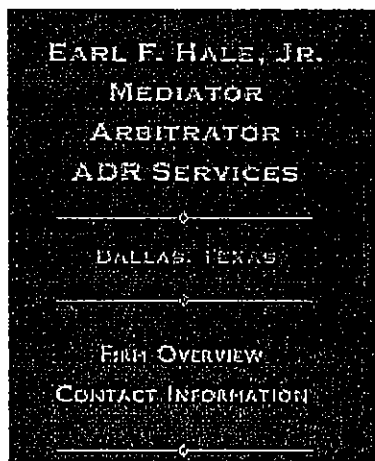
**Parking:** Parking is free. Park either in the surface parking lot on the north side of the building or in the covered "Visitor" parking garage behind the surface lot. The 2-hour parking limits are not enforced. Let us know if any party has a disability so we can address particular access needs.

**Dress:** Business casual

I want very much to make our mediation date as efficient and effective as possible. I appreciate your help in that respect. Thank you.

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<sup>1</sup> I do not have an address or fax number for Bruce Keith Jensen. If anyone has one, please let me know so that I can notify him (or his counsel) of the mediation session.



## Firm Overview

### Earl F. Hale, Jr.

4144 North Central Expressway, Suite 225  
Dallas, TX 75204

Map

Phone: (214) 515-0199

Fax: (214) 515-0192

E-Mail



\* Voted by Dallas lawyers as one of the best mediators in Dallas.  
("Meet the Best Lawyers in Dallas 2005," D Magazine, May 2005)

\* Practice devoted exclusively to mediation, arbitration, and other methods of conflict resolution of business, professional, workplace, and personal injury disputes.

\* "Hands on" style grounded in a 30 year law practice in both civil litigation and transaction/corporate work.

\* Over 30 years of fair-minded and conscientious service as a trained arbitrator for American Arbitration Association, American Health Lawyer Association, United States Mediation and Arbitration, and others as well as service as a private arbitrator.

\* Reputation for preparation, hard-work, creativity, good judgment, and sensitive treatment in highly emotional disputes.

\* Substantial experience in the following areas of conflict:

- Anti-trust and unfair competition
- Bankruptcy and creditor/debtor rights
- Business contracts and commercial ventures
- "Business divorces" and family business conflicts
- Communications and telecommunications
- Construction and other service disputes
- Corporations, partnerships, and other business combinations
- Fiduciary duties (trustee, partner, and director/officer liability)
- Employment and workplace disputes
- Environmental claims and compliance
- Healthcare (including every provider facet of the industry)
- Insurance (including coverage and claim disputes)
- Intellectual property (including copyright, trademark, and patent)
- Personal injury and products liability
- Professional liability and malpractice (including legal and medical)
- Real estate, oil and gas, and other energy
- Securities and other investment modes
- Will contests and probate disputes

\* Services include special master services, early neutral evaluation, co-mediation, and summary/mini-trials.

#### Areas of Practice

Alternative Dispute Resolution  
Arbitration

Mediation

**Mediator/Arbitrator**

- Earl F. Hale, Jr.

Firm Overview | Contact Information

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